

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CR. NO. 3:05CR130-T
	)	
CHARLES THOMAS GADDY	)	
	)	
	)	

**REQUEST FOR THE GOVERNMENT TO  
EXERCISE PROSECUTIONAL AUTHORITY  
TO INVOKE THE PETITE POLICY**

Comes now the defendant above, by and through counsel, and most respectfully moves the Government to invoke the “Petite Policy” and by of information attaches a copy of the defendant’s indictment in the Circuit Court of Russell County, Alabama, indictment number CC-01-583 and a copy of said Alabama indictment and the within Federal indictment. (Attachments numbers A and B respectfully.)

I.

The “Petite Policy” is a long standing policy used by the Justice Department to prevent a potential injustice by using discretionary power of justice, equity, and fair play. See attachment C.

II.

By way of the within and foregoing motion counsel for the defendant most respectfully notifies the U.S. Attorney and requests that the Petite Policy be invoked in order to ensure that justice, equity and fundamental “fair play” be ensured.

III.

See attachment D, a copy of USAM 9.20.31.

IV.

Defendant respectfully requests additional time to file a written proffer of expected testimony because he is still in the process of collecting attachments to said proffer.

Respectfully submitted, this 22nd day of June, 2005.

BERRY, SHELNUTT, DAY & HOFFMAN  
A PROFESSIONAL CORPORATION  
Attorneys for Defendant

By: s/ Edward F. Berry  
Edward F. Berry  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have electronically filed the foregoing served a copy of the foregoing **Request for the Government to Exercise Prosecutorial Authority to Invoke the Petite Policy** with the Clerk of the Court using the Case Management/Electronic Files System (CM/ECF) which will send notification of such filing to the following: Tommie Brown Hardwick and John T. Harmon, United States Attorney, Middle District of Alabama, One Court Square, Suite 201, P.O. Box 197, Montgomery, Alabama 36101-0197.

This 22nd day of June, 2005.

BERRY, SHELNUTT, DAY & HOFFMAN  
A PROFESSIONAL CORPORATION  
Attorneys for Defendant

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